

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Bail Appl..No. 4472 of 2007()

CRIME NO.27/07 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE

: PETITIONERS/ACCUSED:

1. SUNIL, S/O.LATE PADMANABHA KURUP,
THOTTATHIL HOUSE, POST KUTTIKATTOOR, CALICUT.
2. PANKAJAKSHI, W/O.LATE PADMANABHA KURUP,
THOTTATHIL HOUSE, POST KUTTIKATTOOR, CALICUT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE:

1. SUB INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION, KOZHIKODE.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.4472 of 2007

Dated this the 25th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are the husband and mother in law of the defacto complainant. Matrimonial cruelty of the culpable variety is alleged against the petitioners in a private complaint filed by the defacto complainant which has been referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. It is an infant marriage. The marriage had taken place only on 01.01.06. The learned counsel for the petitioners submits that there is some strain in the matrimony and untenable and exaggerated allegations are being raised against the husband and mother in law by the young bride with vexatious intent.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances briefly indicated above that this is a fit case where directions under Section 438 Cr.P.C can be issued in favour of the petitioners. The fact that admittedly the defacto complainant has not suffered any appreciable physical injury and the reality that arrest and detention of the petitioner is likely to mar the matrimonial tie beyond repair do weigh with me in coming to this conclusion.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 01.08.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 02.08.2007 and 03.08.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 01.08.07 as directed in clause (1) above, they shall be released from custody on their executing bonds for Rs.25,000/- (Rupees Twenty Five

thousand only) each without any sureties undertaking to appear before the learned Magistrate on 01.08.07.

(R.BASANT, JUDGE)

rtr/-